

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JORGE RAY CORONA,

Plaintiff,

v.

CV No. 17-805 MCA/CG

CITY OF CLOVIS, et al.,

Defendants.

**ORDER GRANTING MOTION TO STAY PROCEEDINGS
AND TO VACATE SETTLEMENT CONFERENCE**

THIS MATTER is before the Court on Defendants' *Expedited Motion to Stay Proceedings and to Vacate Settlement Conference*, (Doc. 44), filed August 3, 2018. Plaintiff filed a response to the motion on August 6, 2018, (Doc. 46). In the motion, Defendants ask the Court to stay the scheduling order deadlines in this case and vacate the August 28, 2018, settlement conference, pending resolution of their motion for summary judgment based on qualified immunity, (Doc. 41), and motion for judgment on the pleadings, (Doc. 43). (Doc. 44 at 1, 5). In response to the motion, Plaintiff states that he "consents to Defendant's request for a stay of proceedings and vacating of the settlement conference until such time as the issue of whether the Defendants are entitled to qualified immunity is resolved." (Doc. 46 at 1-2).

Once a motion to dismiss or for summary judgment based on qualified immunity is filed, Defendants are entitled to a stay of discovery. *Jiron v. City of Lakewood*, 392 F.3d 410, 414 (10th Cir. 2004); *Workman, et al. v. Jordan, et al.*, 958 F. 2d 332, 336 (10th Cir. 1992) ("[W]e reiterate that qualified immunity is not only a defense to liability but also entitlement to immunity from suit and other demands of litigation"). Therefore, the Court finds that Defendants are entitled to a stay of the scheduling order deadlines

in this case pending a ruling on their motion for summary judgment based on qualified immunity. The Court further finds that the August 28, 2018, settlement conference, and all associated deadlines, shall be vacated pursuant to the parties' request.

IT IS THEREFORE ORDERED that Defendants' *Expedited Motion to Stay Proceedings and to Vacate Settlement Conference*, (Doc. 44), is **GRANTED**.

IT IS FURTHER ORDERED that the telephonic status conference set for August 21, 2018, and the settlement conference set for August 28, 2018, are hereby **VACATED**.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE